

August 1, 2019

VIA ECF

Hon. Lynn E. Adelman
U.S. District Court
Eastern District of Wisconsin
Room 390
517 E. Wisconsin Avenue
Milwaukee, WI 53202

RE: *Roumann Consulting, Inc. v. T.V. John & Son, Inc.*
Case No. 17-cv-01407

Dear Judge Adelman:

We write on behalf of defendant T.V. John in response to the Plaintiffs' July 31, 2019 letter [ECF No. 85] requesting a telephone conference and lodging a complaint that T.V. John moved for summary judgment [ECF No. 79]. Given the procedural posture of the case, we have no objection to holding a conference to discuss the status of the case. We do, however, take issue with the Plaintiffs' implied argument that it was somehow improper for T.V. John to file a motion for summary judgment.

As a threshold matter, the concern that the motion was contingent on the pending cross-motions for summary judgment on T.V. John's counterclaims is moot, given the Court's recent decision on those motions. Second, T.V. John had a right to file its pending motion for summary judgment, and did so consistent with the Court's Scheduling Order and the parties' stipulation. Indeed, even after T.V. John had cross-moved for summary judgment on its counterclaims, Plaintiffs stipulated to extensions of the scheduling order to allow for further dispositive motions (see ECF Nos. 65, 67). We are unaware of, and Plaintiffs cite no authority standing for the proposition that a party is prohibited from filing a dispositive motion where it files a cross-motion for summary judgment on other claims. The Northern District of Illinois Case cited in Plaintiffs' letter is distinguishable on many grounds, including that it involved a litigant filing multiple dispositive motions on the same issues, some before discovery commenced. That is far from the case here. T.V. John has a right, under the Rules and the Court's Scheduling Order (as stipulated by the parties) to move for summary judgment.

Hon. Lynn E. Adelman

August 1, 2019

Page 2

We are happy to discuss this and any other issues that the Court deems important if the Court believes a telephone conference would be helpful. In the interim, we will proceed under the pending Scheduling Order and briefing deadlines contained in the Local Rules.

Best regards,

GODFREY & KAHN, S.C.

s/ Andrew S. Oettinger

Andrew S. Oettinger

ASO:kat

cc: Scott R. Halloin, Esq. (via ECF)
James J. Irvine, Esq. (via ECF)

20982439.1